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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,169	12/28/2001	Tadashi Sugiyama	PW 0277031 H7618US	1567

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EXAMINER
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GRAHAM, ANDREW R

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/034,169

Applicant(s)

SUGIYAMA, TADASHI

Examiner

Andrew Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### DETAILED ACTION

#### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### *Drawings*

2. Corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the requirements of CFR 1.85(p)(3) have not been met by Figures 5-8. Specifically, letters used therein cross or mingle with the lines in the Figures. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (USPN 5764607) in view of Fukuda (USPN 6469239 B1). Hereafter, "Maeda et al" will be referred to as "Maeda".

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Maeda discloses a system for controlling digital copying of digitally recorded information. The system may be applied to compact disc (CD) as well as other disc and tape formats (col. 9, lines 31-36).

Specifically regarding **Claim 1**, Maeda discloses:

A digital-audio-signal recording apparatus (Figure 1A-1C, col. 4, lines 49-58) comprising:

a storage section (A) storing digital audio data (music information recorded on disk 1, col. 4, lines 25-31 and 49-65);

a write section (B) that writes ("digitally recorded") data on a disk-shaped storage medium (22) (col. 4, lines 49-65; col. 7, lines 17-21 and 59-66); and

a control section (10) (col. 4, lines 52-58) that,

when a write operation (Figures 4 and 6) to be performed by said write section (B) for writing the digital audio data stored on said storage section (A, stored on disc 1), to the disk-shaped storage medium (22) (col. 6, lines 28-36; col. 9, lines 15-22),

first performs control (S35-S37) such that the digital audio data stored on said storage section can not be accessed by any other operation than said write operation (existence of data is recognized only by management information in TOC(11), col. 8, lines 24-32 and 55-59; col. 9, lines 2-8 and 15-20)

then causes said write section (B) to write (S41-S43) the digital audio data (on 1 in A) to the disk-shaped storage medium (22) (col. 7, lines 60-67; col. 8, lines 1-5; col. 9, line 18),

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While Maeda notes that the original audio information may be erased (col. 9, lines 26-30), Maeda does not clearly specify:

- then erases the digital audio data from said storage section after completion of writing of the digital audio data to the disk-shaped storage medium.

Fukuda teaches a system for managing the copying of audio data between a hard disc (10 in 50) and a recording apparatus (70) (col. 4, lines 6-12; col. 5, lines 17-39).

Specifically regarding Claim 1, Fukuda teaches:

then erases (S46) the digital audio data from said storage section (50 and 10 of Fukuda in view of A and 1 of Maeda) after completion of writing of the digital audio data to the disk-shaped storage medium (S45) (Figure 9, col. 18, lines 60-67, col. 19, lines 1-26 and 43-51)

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to delete or erase the original music information from the recording source A in the system of Maeda after recording the music information in section B, as is taught in step S46 for the system of Fukuda. The motivation behind such a modification would have been that such deleting would have more than merely inhibited the access or reproduction of the music data by the use of secondary information by erasing the data itself, managing the data so that only one copy always exists and preventing an illegal copy of the music data, as is taught by Fukuda. File deletion is also known in

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the art to free the memory area for other use or allocation, as is evidenced by in the teachings of Shitara et al (USPN 6434103 B1) (see col. 29, lines 52-59).

4. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Fukuda as applied to claim 1 above, and further in view of Shitara et al (USPN 6434103 B1), hereafter "Shitara".

As detailed above, Maeda discloses a system for controlling digital copying of digitally recorded information. The system may be applied to compact disc (CD) as well as other disc and tape formats (col. 9, lines 31-36). Fukuda teaches a system for managing the copying of audio data between a hard disc (10 in 50) and a recording apparatus (70) (col. 4, lines 6-12; col. 5, lines 17-39).

Specifically regarding **Claim 2**, Maeda in view of Fukuda discloses:

A digital-audio-signal recording apparatus (Figure 1A-1C, col. 4, lines 49-58 of Maeda) comprising:

a storage section (A) storing digital audio data (music information recorded on disk 1, col. 4, lines 25-31 and 49-65 of Maeda);

said storage section (A) also storing second information (in 1a) for limiting access to the digital audio data (TOC 11) (col. 4, lines 26-30; col. 8, lines 28-32)

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a write section (B) that writes ("digitally recorded") data on a disk-shaped storage medium (22) (col. 4, lines 49-65; col. 7, lines 17-21 and 59-66 of Maeda); and

a control section (10) (col. 4, lines 52-58 of Maeda) that, when a write operation (Figures 4 and 6 of Maeda) to be performed by said write section (B) for writing the digital audio data stored on said storage section (A, stored on disc 1), to the disk-shaped storage medium (22) (col. 6, lines 28-36; col. 9, lines 15-22 of Maeda),

first rewrites said second information (TOC) into content (1a area) (S35-S37 of Maeda) such that the digital audio data stored on said storage section can not be accessed by any other operation than said write operation (existence of data is recognized only by management information in TOC(11), col. 4, lines 26-30, col. 8, lines 24-32 and 55-59; col. 9, lines 2-8 and 15-20 of Maeda)

then causes said write section (B) to write (S41-S43) the digital audio data (on 1 in A) to the disk-shaped storage medium (22) (col. 7, lines 60-67; col. 8, lines 1-5; col. 9, line 18),

As noted above, Fukuda teaches erasing (S46) the digital audio data from said storage section (50 and 10 of Fukuda in view of A and 1 of Maeda) after completion of writing of the digital audio data to the disk-shaped storage medium (S45) (Figure 9, col. 18, lines 60-67, col. 19, lines 1-26 and 43-51).

However, Fukuda does not provide details regarding this erasing process.

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Specifically regarding Claim 2, Maeda in view of Fukuda does not specify:

- said storage section also storing first information for managing presence of the digital audio data
- after completion of writing of the digital audio data the disk-shaped storage medium, rewrites said first information into content such that the presence of the digital audio data is invalidated.

Shitara teaches a system for utilizing management data to control the processing of main audio data on a storage medium.

Specifically regarding Claim 2, Shitara teaches:

- said storage section also storing first information ("invalidity flag") for managing presence of the digital audio data (col. 30, lines 15-18)
- after completion of writing of the digital audio data to the disk-shaped storage medium (after S45 of Fukuda in view of s42-44 of Maeda), rewrites said first information (invalidity flag set to "1") into content (additional information file to be deleted in Shitara in view of music data to be deleted in Fukuda) of music data of such that the presence of the digital audio data is invalidated (col. 29, lines 40-45; col. 30, lines 15-26).

As detailed above, Fukuda teaches that the music data may be deleted (s46). As taught by Shitara, the adjustment of an invalidity



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flag associated with the additional information file results in the file being erased (col. 30, lines 15-18). To one of ordinary skill in the art at the time the invention was made, it would have been obvious to utilize such an invalidity flag with the music data of Maeda in view of Fukuda for the purposes of enabling music data erasure, as is taught for a file by Shitara. The motivation behind such a modification would have been that such a invalidity flag would have enabled deletion processing of the music data to be implemented without manipulating the whole unit of music data, thus not increasing the processing load of the operation. Such a form of deletion is noted by Shitara as comprising very simple processing (col. 34, lines 31-40).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Graham whose telephone number is 571-272-7517. The examiner can normally be reached on Monday-Friday, 8:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ag*  
ag

June 22, 2005



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